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SENATE BILL 805

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO HEALTH; AUTHORIZING A DENTAL HYGIENIST TO  
ADMINISTER FLUORIDE TREATMENTS WITHOUT THE SUPERVISION OF A  
DENTIST.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-5A-1 NMSA 1978 (being Laws 1994,  
Chapter 55, Section 1) is amended to read:

"61-5A-1. SHORT TITLE.--~~[Sections 1 through 29 of this  
act]~~ Chapter 61, Article 5A NMSA 1978 may be cited as the  
"Dental Health Care Act"."

Section 2. Section 61-5A-4 NMSA 1978 (being Laws 1994,  
Chapter 55, Section 4, as amended) is amended to read:

"61-5A-4. SCOPE OF PRACTICE.--

A. As used in the Dental Health Care Act, "practice  
of dentistry" means:

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1                   (1) the diagnosis, treatment, correction,  
2 change, relief, prevention, prescription of remedy, surgical  
3 operation and adjunctive treatment for any disease, pain,  
4 deformity, deficiency, injury, defect, lesion or physical  
5 condition involving both the functional and aesthetic aspects  
6 of the teeth, gingivae, jaws and adjacent hard and soft tissue  
7 of the oral and maxillofacial regions, including the  
8 prescription or administration of any drug, medicine, biologic,  
9 apparatus, brace, anesthetic or other therapeutic or diagnostic  
10 substance or technique by an individual or [~~his~~] the  
11 individual's agent or employee gratuitously or for any fee,  
12 reward, emolument or any other form of compensation whether  
13 direct or indirect;

14                   (2) representation of an ability or  
15 willingness to do any act mentioned in Paragraph (1) of this  
16 subsection;

17                   (3) the review of dental insurance claims for  
18 therapeutic appropriateness of treatment, including but not  
19 limited to the interpretation of radiographs, photographs,  
20 models, periodontal records and narratives;

21                   (4) the offering of advice or authoritative  
22 comment regarding the appropriateness of dental therapies, the  
23 need for recommended treatment or the efficacy of specific  
24 treatment modalities for other than the purpose of consultation  
25 to another dentist; or

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1 (5) with specific reference to the teeth,  
2 gingivae, jaws or adjacent hard or soft tissues of the oral and  
3 maxillofacial region in living persons, to propose, agree or  
4 attempt to do or make an examination or give an estimate of  
5 cost with intent to, or undertaking to:

6 (a) perform a physical evaluation of a  
7 patient in an office or in a hospital, clinic or other medical  
8 or dental facility prior to, incident to and appropriate to the  
9 performance of any dental services or oral or maxillofacial  
10 surgery;

11 (b) perform surgery, an extraction or  
12 any other operation or to administer an anesthetic in  
13 connection therewith;

14 (c) diagnose or treat [~~any~~] a condition,  
15 disease, pain, deformity, deficiency, injury, lesion or other  
16 physical condition;

17 (d) correct a malposition;

18 (e) treat a fracture;

19 (f) remove calcareous deposits;

20 (g) replace missing anatomy with an  
21 artificial substitute;

22 (h) construct, make, furnish, supply,  
23 reproduce, alter or repair an artificial substitute or  
24 restorative or corrective appliance or place an artificial  
25 substitute or restorative or corrective appliance in the mouth

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1 or attempt to adjust it;

2 (i) give interpretations or readings of  
3 dental radiographs; or

4 (j) do any other remedial, corrective or  
5 restorative work.

6 B. As used in the Dental Health Care Act, "the  
7 practice of dental hygiene" means the application of the  
8 science of the prevention and treatment of oral disease through  
9 the provision of educational, assessment, preventive, clinical  
10 and other therapeutic services under the general supervision of  
11 a dentist. "Dental hygiene" includes:

12 (1) prophylaxis, which is the treatment of  
13 human teeth by removing from their surface calcareous deposits  
14 and stain, removing accumulated accretions and polishing the  
15 surfaces of the teeth;

16 (2) removing diseased crevicular tissue;

17 (3) the application of pit and fissure  
18 sealants without mechanical alteration of the tooth, fluorides  
19 and other topical therapeutic and preventive agents;

20 (4) exposing and referring to oral  
21 radiographs;

22 (5) screening to identify indications of oral  
23 abnormalities;

24 (6) assessment of periodontal conditions; and

25 (7) such other closely related services as

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1 permitted by the rules of the committee and the board.

2 C. In addition to performing dental hygiene as  
3 defined in Subsection B of this section, a dental hygienist may  
4 apply preventive topical fluorides and remineralization agents  
5 without supervision in public and community medical facilities,  
6 schools, hospitals, long-term care facilities and such other  
7 settings as the committee may determine by rule ratified by the  
8 board, so long as the dental hygienist's license is not  
9 restricted pursuant to the Impaired Dentists and Dental  
10 Hygienists Act.

11 [~~E.~~] D. In addition to performing dental hygiene as  
12 defined in Subsection B of this section, dental hygienists who  
13 have met [~~such~~] the criteria as the committee shall establish  
14 and the board ratify may administer local anesthesia under  
15 indirect supervision of a dentist.

16 [~~D.~~] E. A New Mexico licensed dental hygienist may  
17 be certified for collaborative dental hygiene practice in  
18 accordance with the educational and experience criteria  
19 established collaboratively by the committee and the board.

20 [~~E.~~] F. For the purpose of this section,  
21 "collaborative dental hygiene practice" means the application  
22 of the science of the prevention and treatment of oral disease  
23 through the provision of educational, assessment, preventive,  
24 clinical and other therapeutic services as specified in  
25 Subsection B of this section in a cooperative working

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1 relationship with a consulting dentist, but without general  
2 supervision as set forth by the rules established and approved  
3 by both the board and the committee."

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